

### REMARKS

Applicants have amended the claims. Claims 1-8 have been canceled. The amendment to claim 9 is supported by the specification and the examples. Claims 18-21 are supported throughout the specification and the examples, see particularly, pages 8 and 9 and original claims 6-8. New claims 22-24 are supported by the specification at page 5 and the examples. As such, these amendments do not constitute new matter, and their entry is respectfully requested.

Claims 9-17 were rejected pursuant to 35 U.S.C. §112, first paragraph.

Applicants appreciate the Examiner's acknowledgement that the specification is enabling for treating periodontal disease. In order to expedite prosecution, Applicants have made the amendment suggested by the Examiner, and thus, the rejection of the claim has been obviated.

Claims 1 and 4 were rejected pursuant to 35 U.S.C. §102(b) as being anticipated by EP 0 267 015.

The amendment to the claims has obviated this rejection.

Claims 2-3 and 5-8 were rejected pursuant to 35 U.S.C. §103(a) as being unpatentable over EP 0 267 015.

Applicants respectfully submit that the amendment to these claims has obviated this rejection.

Claims 9-17 were rejected pursuant to 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,046,164 to Asano in view of EP 0 267 015.

Applicants respectfully submit this rejection should be withdrawn for the following reasons.

The present application is directed to a **viscous preparation** containing a small amount of bFGF used to treat periodontal disease. Such a viscous preparation is in no way taught or suggested by the references. Although the '164 patent is directed to a method for treating

diseases of periodontal tissues using bFGF, the preparations used therein were not viscous preparations. Rather, bFGF was in a saline solution (see column 5, lines 35-44) or a gel containing the bFGF (see, column 7, lines 1-9). Thus, this reference does not teach or suggest the benefits of using a viscous preparation. The addition of the '015 does not overcome this deficiency. Rather, that invention is directed to a composition to stabilize the polypeptide against loss of activity. See, for example, page 2, lines 42-45 and Table 2 at page 7. Thus, reading these references together would not have provided any reason to change the preparation from a gel

However, as explained on page 3 of the present specification, there can be some problems with using a gel preparation for dental purposes. For example, not only is there the difficulty of its shape, but the gel preparation when used would be expected to remain at the effective part for too long a period of time. Thus, while initially beneficial, it can actually inhibit repair of a tissue and would be expected to be unpleasant to the patient because of its presence. The liquid form has problems in terms of being retained for a sufficient time at the desired part.

Thus, as explained in the paragraph bridging pages 3 and 4, there is a need to have a preparation that would stay for a sufficient time and would relatively rapidly decompose or disappear and thus, not prohibit repair of a tissue. It was believed difficult to prepare a viscous preparation of bFGF. However, Applicants found out how to do so successfully and inexpensively. That is what is claimed. The various dependent claims described preferred thickeners, additives, weight percentage of bFGF and also specific viscosities (see, e.g., claims 22-24).

Accordingly, Applicants have taught a preparation that can readily be applied to a specific region and will be retained at that region for a sufficient but not excessive time. This is not

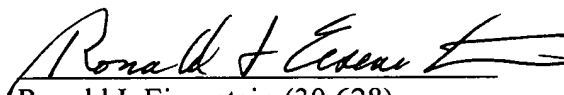
taught or suggested by the combination of references. Accordingly, Applicants respectfully submit that the rejection of the claims 9-17 under 35 U.S.C. §103(b) should be withdrawn.

In view of the following, Applicants respectfully submit that all claims are in condition for allowance. Early and favorable action is requested.

Fee deficiencies may be charged and overpayments credited to the NIXON PEABODY LLP Deposit Account No. 50-0850.

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Respectfully submitted,



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